

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:15-CV-227-D

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	TEMPORARY RESTRAINING
)	ORDER
JAAAT TECHNICAL SERVICES, LLC,)	
SAFECO INSURANCE COMPANY OF)	
AMERICA, and)	
TETRA TECH TESORO, INC.,)	
)	
Defendants.)	

The United States (“government”) has requested a temporary restraining order and preliminary injunction. The government wants to (1) enjoin Tetra Tech Tesoro, Inc. (“Tetra Tech Tesoro”), Safeco Insurance Company of America (“Safeco”), and JAAAT Technical Services, LLC (“JAAAT”) from taking any action that would have the effect of interfering with funds given to JAAAT by the Corps of Engineers in connection with the contracts described in the government’s complaint [D.E. 1] (“contracts”), to the extent such funds are necessary to pay the current subcontractors or suppliers as required by federal law, and (2) to enjoin Tetra Tech Tesoro from attempting to enforce the State Court Injunction described in the complaint in any way that would interfere with JAAAT paying its current subcontractors or suppliers in compliance with federal law. See Fed. R. Civ. P. 65; Winter v. Natural Res. Def. Council, Inc., 555 U.S. 7, 20 (2008); Real Truth About Obama, Inc. v. FEC, 575 F.3d 342, 346 (4th Cir. 2009), vacated on other grounds, 559 U.S. 1089 (2010), reissued in relevant part, 607 F.3d 355 (4th Cir. 2010) (per curiam).

Upon consideration of the motion, the parties' submissions, and the arguments of counsel during the hearing held on June 2, 2015, the court finds that:

1. The United States will be irreparably injured unless the defendants Tetra Tech Tesoro, JAAAT, and Safeco are temporarily restrained;
2. Tetra Tech Tesoro, JAAAT, and Safeco will not be harmed by a temporary restraining order;
3. the United States has provided sufficient information to show that it is likely to prevail on the merits; and
4. the injunction is in the public interest.

This Temporary Restraining Order shall remain in effect until the court holds a hearing for preliminary injunction and until such order issues from this court as a result of such hearing. See Fed. R. Civ. P. 65(b). Pursuant to Rule 65 of the Federal Rules of Civil Procedure and with the parties' consent, this court will conduct the preliminary injunction hearing on June 17, 2015, at 9:00 a.m. in courtroom 1 located on the 7th floor in the Federal Courthouse, 310 New Bern Ave, Raleigh, North Carolina. If the defendants waive such hearing, this Temporary Restraining Order will remain in effect until further order of the court.

IT IS FURTHER ORDERED THAT:

1. The Corps of Engineers is authorized to deposit with the court, not more often than monthly for each of the contracts, the money that would otherwise be paid to JAAAT.
2. The Corps of Engineers shall notify the defendants, and their attorneys, simultaneously with depositing the money with the court, the identity of each of the subcontractors, suppliers or other valid Miller Act (40 U.S.C. §§ 3131 et seq.) claimants, to whom it believes money should be sent, and the amount that it believes should be paid to each of them, together with documentation

reasonably supporting payments. Only subcontractors and suppliers with valid rights under the Miller Act, shall be paid.

3. The clerk shall disburse the money deposited with this court to the respective subcontractors, suppliers, or other valid Miller Act claimants identified in each pay request within seven days of the deposit of the money, unless before that date a party to this lawsuit has filed an objection with the court with sufficient detail so that the basis for the objection can be readily determined.


4. Any unused amount shall be left in the court to hold for future subcontractor suppliers or others with valid rights under the Miller Act.

5. Tetra Tech Tesoro is hereby ENJOINED from taking any action that would have the effect of interfering with funds given to JAAAT by the Corps of Engineers in connection with the contracts, to the extent such funds are necessary to pay the current subcontractors or suppliers as required by federal law.

6. Tetra Tech Tesoro is hereby ENJOINED from attempting to enforce the State Court Injunction in any way that would interfere with JAAAT paying its current subcontractors or suppliers in compliance with federal law, or in conflict with the order of this court.

The United States Attorney is hereby ORDERED to deliver a copy of this Temporary Restraining Order by email on the attorneys for the defendants to whom the United States served a courtesy copy of the motion, as shown on the United States' certificate of service.

SO ORDERED. This 2 day of June 2015.


JAMES C. DEVER III
Chief United States District Judge